

The bill was read second time, and the amendments recommended by the committee adopted; rules further suspended, the bill read third time and passed.

Senate bill No. 199, "An act to amend section two of an act concerning divorce and alimony," was read second time and recommitted to Judiciary Committee No. 1.

Senator Fountain introduced a bill to be entitled "An act to incorporate the Brazos Santiago and Rio Grande Canal Company." Read first time and referred to the Committee on Internal Improvements.

Senate bill No. 189, "An act concerning private corporations," was read second time and ordered engrossed.

On motion of Senator Fountain, the Senate resolved itself into a committee of the whole to consider Senate bill No. 104, "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas."

The committee rose, reported progress, and asked leave to sit again. Report adopted.

On motion of Senator Flanagan, the Senate adjourned to 10 o'clock A. M. next Monday.

\* ————— \*

SENATE CHAMBER,  
AUSTIN, TEXAS, March, 31, 1873. }

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of Saturday was dispensed with.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 533, "An act to incorporate the town of Nelsonville, in the county of Austin."

House bill No. 210, "An act to incorporate the town of Whitesboro, in Grayson county."

House bill No. 545, "An act making an appropriation to pay F. E. McManus one month's salary as judge of the Fifteenth Judicial District of the State of Texas."

House bill No. 402, "An act to incorporate the Milam Real Estate and Immigration Association."

House bill No. 236, "An act to repeal an act to establish a State police and provide for the regulation and govern-



ment of the same, approved July 1, 1870; also, to repeal an act entitled an act to amend an act entitled an act to establish a State police and provide for the regulation of the same, approved May 2, 1871."

House bill No. 357, "An act to incorporate Owensville High School."

House bill No. 239, "An act for the relief of W. M. Jackson."

House bill No. 468, "An act for the relief of J. Lancaster."

House bill No. 420, "An act for the relief of the heirs of Wm. Garnett, deceased."

House bill No. 403, "An act for the relief of the heirs of John Short, deceased."

House bill No. 114, "An act to amend the first section of an act entitled an act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871."

House bill No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871."

House bill No. 364, "An act to validate the quadruplicate certificate for one league and one labor of land, issued April 4, 1872, to the heirs of Naham Mixon, deceased."

House bill No. 7, "An act to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench with full pay for the residue of this term."

House bill No. —, "An act to authorize the County Court of Navarro county to levy and cause to be collected a special tax, and to apply the same."

House bill No. 344, "An act validating a certain land warrant."

Also, that the House had passed the following joint resolutions:

House joint resolution No. 527, "Amending joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks."

House joint resolution, "In relation to the rooms in the Capitol building."

Also, that the House had rejected Senate bill No. 195, "An act to regulate proceedings upon applications for *mandamus* and *quo warranto*."



The following bills were taken from the President's desk, read first time, and referred to the committees indicated:

House bill No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city, or amendatory thereof." Committee on State Affairs.

House bill No. 254, "An act to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same." Committee on Finance.

House bill No. 318, "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871." Judiciary Committee No. 1.

House bill No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, in Robertson county." Committee on State Affairs.

House bill No 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston." Committee on State Affairs.

House bill No. 218, "An act to incorporate the Pioneer Fire Company No. 1, of the city of Corpus Christi." Committee on State Affairs.

House bill No. 429, "An act to authorize H. B. Baston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, at the town of Clinton, in De Witt county." Committee on Roads, Bridges and Ferries.

House bill No. 213, "An act prohibiting the sale of spirituous liquors within two miles of the high school at Summerfield, in Upshur county." Committee on State Affairs.

House bill No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company." Committee on Roads, Bridges and Ferries.

Senator Sayers presented a memorial for the relief of John Hawkins Brown. Read and referred to the Committee on Private Land Claims.

Senator Gaines presented a petition from the citizens of the town of Giddings, in Washington county. Read and passed to the orders of the day, to come up with a bill.

Senator Cole, chairman of the Committee on Private Land Claims, submitted the following report:



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of N. Lawson, having had the same under careful consideration, and after an examination of the documents and records accompanying the same, have instructed me to report back the accompanying bill, with the recommendation that it do pass.

D. W. COLE, Chairman.

House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," was read second time, and on motion of Senator Shelley, was referred to the Committee on Finance.

The hour having arrived, the special order was taken up, viz., the following resolution:

*Resolved*, That for the purpose of inspecting and reporting upon the condition of the State Penitentiary, at Huntsville, and upon the condition of the persons confined therein, the Committee on Penitentiary be and they are hereby authorized and required to visit said institution, or send for persons and papers, at as early a day as practicable.

Senator Gaines moved to refer the resolution to the Committee on Penitentiary.

Senator Broughton moved to substitute the Committee on State Affairs. Carried, and resolution referred to the Committee on State Affairs.

Senate bill No. 31, "An act to give effect to the provisions of the Constitution in relation to the settlement of homesteads by pre-emptions, and to open to settlement the State sections of the Memphis and El Paso Railroad," was read second time, one hundred copies of the bill ordered printed, and made special order for Monday next, at 11 o'clock A. M.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: I have the honor to report that I did, on Saturday, at 11 o'clock A. M., present to his Excellency the Governor, for his approval and signature,

Senate bill No. 49, "An act supplementary and amendatory to an act entitled an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871;" and



Senate bill No. 53, "An act for the relief of John H. Jenkins."

H. R. LATIMER, Chairman.

Senate bill No. 192, "An act to repeal an act to authorize clerks of the district courts and justices of the peace to issue executions on the adjournment of each term of the court," together with a report from Judiciary Committee No. 1, recommending the rejection of the bill, was taken up and report adopted.

The following House bills were taken from the President's desk, and read and referred as indicated:

House bill No. 533, "An act to incorporate the town of Nelsonville, in Austin county." Committee on State Affairs.

House bill No. 402, "An act to incorporate the Milam Real Estate and Immigration Association." Committee on Immigration.

House bill No. 210, "An act to incorporate the town of Whitesboro, in Grayson county." Committee on State Affairs.

House bill No. 545, "An act making an appropriation to pay F. E. McManu: one month's salary as special Judge of the Fifteenth Judicial District." Committee on Claims and Accounts.

House bill No. 236, "An act to repeal an act to establish a State police and to provide for the regulation and government of the same, approved July 1, 1870, and to repeal an act to amend an act to establish a State police and provide for the regulation of same, approved May 2, 1871." Committee on Militia.

Senate bill No. 281, "An act providing for a special tax in Wise county." was read second time, and, on motion of Senator Broughton, was laid on the table, to come up in its order at another time.

Senate bill No. 170, "An act to incorporate the El Paso Real Estate, Trust and Immigration Company," was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Finlay, Fountain, Franks, Latimer, Pyle, Rawson, Ruby, Sayers, Shelley, Swift, Tracy and Mr. President—19.

Nay—Senator Word—1.

Senate bill No. 181, "An act regulating contested elec-



tions," together with substitute reported by the committee, was taken up, bill read second time, and made special order for Wednesday next at 11 o'clock A. M., and from day to day until disposed of, and one hundred copies of the bill, substitute and report ordered printed.

Senate bill No. 218, "An act to establish a system of public free schools in the State of Texas," was read second time, and made special order for Thursday next at 11 o'clock A. M.

The following communication was taken from the President's desk and read:

OFFICE OF E. T. S. A. M. & S. ASSOCIATION, }  
JEFFERSON, TEXAS, March 27, 1873. }

*Hon. M. D. K. Taylor, Speaker of the House of Representatives, Austin, Texas:*

SIR: I am instructed through you to tender a general invitation to the members of the Senate and House of Representatives of Texas to visit our State Fair, to be held in this city, commencing May 26, 1873, and continuing till May 31, 1873. By order of Board of Directors.

WARD TAYLOR, JR., Secretary.

Senator Ruby introduced a joint resolution for the relief of John G. Todd, surviving Captain of the Navy of the Republic of Texas. Read first time.

A message was received from the House informing the Senate that the House had adopted Senate joint resolution inviting Mr. Jefferson Davis to visit the capital of the State.

Senate bill No. 66, "An act to dedicate to the use of Travis county certain land in the city of Austin on which to erect a court house and jail, and to enable said county to build the same."

Senator Shelley offered a substitute for the bill.

Senator Franks moved to strike out the first section of the substitute. Lost by the following vote:

Yeas—Senators Avinger, Ball, Dillard, Franks, Gaines and Rawson—6.

Nays—Senators Baker, Broughton, Cole, Flanagan, King, Latimer, Pyle, Randle, Ruby, Sayers, Shelley, Swift, Tracy, Word and Mr. President—16.

Senator Swift moved to amend by adding after the word "dedicated," in line six, "for a term of sixty years." Adopted.

Senator Broughton moved to reconsider the vote taken on Senator Franks's motion to strike out section one.



Senator Shelley moved to lay the motion on the table. Carried by the following vote:

Yeas—Senators Baker, Cole, Finlay, Flanagan, King, Latimer, Pyle, Randle, Ruby, Sayers, Shelley, Swift and Word—13.

Nays—Senators Avinger, Ball, Broughton, Dillard, Ford, Franks, Rawson, Tracy, and Mr. President—9.

Senator Dillard moved to recommit the bill and substitute.

The hour having arrived for special order, viz., the consideration of bills of a private nature, Senator Flanagan moved to postpone the same until the pending business was disposed of.

Senator Broughton moved a call of the Senate.

Absent—Senator Evans.

Call suspended.

The question recurring upon the adoption of the motion offered by Senator Flanagan to postpone special order, the same was put and lost.

Senator Word, chairman of the special committee, by leave, submitted the following report and accompanying resolution, which were adopted.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your special committee appointed to investigate and report upon the accounts approved by the Committee on Contingent Expenses, having examined the same, and taken all the evidence available, ask leave to report that they find the account of Messrs Sampson & Hendricks to be fair and reasonable, and that the articles charged therein have been received.

As to the accounts of Messrs. Mordecai & Bradley, your committee have no means of knowing how many of the articles charged therein have been received, the evidence showing that they were brought to the Senate chamber, except in one instance, unaccompanied by any bill upon which the sergeant-at-arms could check off the articles, and that the sergeant-at-arms refused, on that account, to receive and receipt for them. It is claimed that the prices were charged on account of the depreciation of the State warrants to fifty cents on the dollar; but your committee do not believe that they remained long so depreciated, and the evidence shows that they have been appreciating since the time these purchases were made; that fifteen days ago they were worth from seventy-five to



eighty cents on the dollar, and are now worth from ninety to ninety-five cents on the dollar.

It appears from the evidence before your committee that a reprehensible practice has obtained in the Legislature for the chairmen of the Expense committees to approve accounts submitted to them without consultation with the other members of the committees. Your committee are of opinion that the chairman of the Committee on Contingent Expenses of the Senate, in approving the accounts now before your committee, did not give them that attention and scrutiny demanded by the interests of the State. They further recommend that the practice of chairmen approving accounts without submitting them to their respective committees be stopped.

Your committee are further of opinion that the secretary of the Senate, who was made purchasing agent by resolution of the Senate, and who purchased the articles named on these accounts, was guilty of negligence in not giving more attention to the receipt of the same when brought to the Senate chamber; that through his neglect your committee are unable to ascertain what amount of stationery was received; that it was his duty to have fixed the prices of the articles when purchased, and to have received and delivered them to the sergeant-at-arms when received, taking his receipt therefor. Your committee recommend that the resolution authorizing the secretary of the Senate to purchase stationery be revoked.

It appears from the evidence before your committee that the calendar clerk of the Senate is a member of the firm from whom the purchases of stationery were made, and who received exorbitant prices for it. His testimony before your committee, however, bears the impress of truth, and it is evident from his statement that his connection with the furnishing of stationery attaches no taint of criminality to him; but we find, as an officer his performance of duties prevented his attention to the conduct of his own business affairs that in our opinion his pecuniary interests would have prompted him to take; and that because of this fact, the incongruity which appears in the position he sustained towards the Senate and his business firm, while it subjects him to censure, does not make it just in your committee to recommend a harsher course.

Your committee find further that there appears in the



account of the estimated amounts paid Mordecai & Bradley an excess of \$654 charged, for which no warrant was received, and therefore no money paid; that this excess, which appears in the bills of the firm named, but which was not approved by the chairman of the Committee on Contingent Expenses, should in our opinion not be paid, though it is represented that some of the goods were received by the Senate, but that all the goods so charged and endorsed by said firm as being in the disposition of the Senate should be taken charge of by the sergeant-at-arms and placed to the credit of the Senate.

Your committee thus recommend, because the depreciation of the State warrants charged in the bills presented have, in the receipt of nearly or quite par value in the cashing of said warrants, made it no loss to the firm named, but rather a compensation to the Senate for extravagance of prices heretofore charged.

It appears from the testimony of the secretary of the Senate that there is now on hand, including the articles at the store of Messrs. Mordecai & Bradley, belonging to the Senate, a sufficient amount of stationery to supply the wants of the Senate for the balance of the session; but your committee deem it their duty to report against the purchase, in future, of lithographed paper or envelopes for the use of the Senate, as an unnecessary expense, and one that should not be incurred.

And your committee ask leave to recommend the adoption of the accompanying resolution.

\* \* \* \* \*

Herewith filed, as exhibits, A, B, C, D, E, F, G, H, I, K, L, M, N and O, for the use of the Senate, is the evidence taken by your committee in the investigation of this case.

T. J. WORD, Chairman.

*Resolved*, That the sergeant-at-arms be and is hereby instructed to immediately take possession, on the part of the Senate, of all stationery which has been paid for and not delivered, and that he furnish to the Senate an inventory of the same; and that in taking possession of said stationery he be guided by the inventory hereto attached.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills beg leave to



report that they have examined and compared Senate bill No. 18, "An act to incorporate the city of Austin," and find it correctly enrolled.

H. R. LATIMER, Chairman.

Senator King submitted the following report :

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county."

Senate bill No. 88, "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841."

Senate bill No. 129, "An act to authorize J. A. Cunningham and L. Thompson to construct, keep and maintain a toll bridge and ferry across the Colorado River."

Senate bill No. 216, "An act to authorize the surveyor of Rusk county to transcribe certain records in his office, and make a general index."

Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas."

Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county."

HENRY C. KING, Chairman.

Senate bill No. 119, "An act to incorporate the town of Giddings, in Washington county," together with report of committee, taken up.

Senator Gaines moved to amend by filling the blanks in the committee's report by inserting "sixty days."

Adopted.

The report as amended adopted.

The bill was then read third time and passed.

Senator Flanagan offered the following resolution, which was laid over under the rules:

*Resolved by the Senate, and House of Representatives,* That on Wednesday, the twenty-ninth day of April, A. D. 1873, at 12 o'clock M., the President of the Senate, and the Speaker of the House, shall declare the Legislature adjourned *sine die*.

Senator Ball called up Senate bill No. 123, "An act to authorize the County Court of Erath county, to issue interest-bearing bonds, and to levy a special tax to pay off said bonds," etc.



The bill was read second time; rules suspended, read third time and passed.

Senator Broughton called up House bill No. 240, "An act to incorporate the Grayson county Agricultural and Mechanical Association."

The bill was read second time; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, King, Latimer, Pyle, Rawson, Randle, Ruby, Shelley, Tracy, Word and Mr. President—20.

On motion of Senator Franks, the Senate adjourned to 9:30 o'clock A. M. to-morrow.

SENATE CHAMBER,

AUSTIN, TEXAS, April 1, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

Senator Latimer presented the following communication:

AUSTIN, TEXAS, March 31, 1873.

*Hon. E. B. Pickett, President of the Senate:*

On the — day of March, instant, the Senate did me the honor to grant me a leave of absence for thirty days from my duties as enrolling clerk of the same, in consequence of my ill health. My health continues such as to prevent my return, and I respectfully tender to the honorable Senate my resignation of the office of enrolling clerk of the same; also, my thanks for the honor conferred upon me.

Very respectfully,

J. R. COLE.

Communication read, and on motion of Senator Cole the resignation accepted.

On motion of Senator Latimer, the Senate then proceeded to elect an enrolling clerk.

Nominations being in order, Senator Latimer nominated Mr. W. N. Ramey.

Senator Shelley nominated J. N. Long.